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GOVERNOR

# CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

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## **Security of Examination (Confidentiality)**

California law authorizes State agencies to maintain the security of their licensing examinations. Section 123 of the Business and Professions Code makes it a misdemeanor for any person to subvert or attempt to subvert any licensing examination or the administration of an examination. A person found guilty of these actions is liable for the actual damages sustained by the agency administering the examination, not to exceed \$10,000 and the costs of litigation. Section 123.5 provides that the superior court may issue an injunction restraining such activity, and Section 496 provides that the Board may deny, suspend, revoke or otherwise restrict the license of an applicant or a licensee who has violated this section. The complete provisions of Sections 123, 123.5, and 496 are on the reverse side of this form.

A violation of Section 123 may disqualify the candidate, and the California Architects Board may initiate appropriate administrative action to deny issuance of a license. If you have any questions regarding these or any other provisions of law regarding architectural practice, please contact the Board at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834, (916) 574-7220.

**The following sections of the Business and Professions Code were enacted to ensure that state agencies can maintain the security of their exams.**

**§ 123. Subversion of Licensing Examinations - Misdemeanor**

It is a misdemeanor for any person to engage in any conduct which subverts or attempts to subvert any licensing examination or the administration of an examination, including, but not limited to:

- (a) Conduct which violates the security of the examination materials; removing from the examination room any examination materials without authorization; the unauthorized reproduction by any means of any portion of the actual licensing examination; aiding by any means the unauthorized reproduction of any portion of the actual licensing examination; paying or using professional or paid examination-takers for the purpose of reconstructing any portion of the licensing examination; obtaining examination questions or other examination material, except by specific authorization either before, during, or after an examination; or using or purporting to use any examination questions or materials which were improperly removed or taken from any examination for the purpose of instructing or preparing any applicant for examination; or selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered licensing examination.
- (b) Communicating with any other examinee during the administration of a licensing examination; copying answers from another examinee or permitting one's answers to be copied by another examinee; having in one's possession during the administration of the licensing examination any books, equipment, notes, written or printed materials, or data of any kind, other than the examination materials distributed, or otherwise authorized to be in one's possession during the examination; or impersonating any examinee or having an impersonator take the licensing examination on one's behalf.

Nothing in this section shall preclude prosecution under the authority provided for in any other provision of law.

In addition to any other penalties, a person found guilty of violating this section, shall be liable for the actual damages sustained by the agency administering the examination not to exceed ten thousand dollars (\$10,000) and the costs of litigation.

- (c) If any provision of this section or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

**§ 123.5 Engagement in Practices Constituting a Violation Under § 123; Injunction or Restraining Order**

Whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of Section 123, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining such conduct on application of a board, the Attorney General or the district attorney of the county.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

The remedy provided for by this section shall be in addition to, and not a limitation on, the authority provided for in any other provision of law.

**§ 496. Denial, Suspension; or Violation of § 123; Revocation of License**

A board may deny, suspend, revoke, or otherwise restrict a license on the ground that an applicant or licensee has violated Section 123 pertaining to subversion of licensing examinations.